WP(C) 615/2007

BEFORE

THE HON'BLE MR. JUSTICE B.K.SHARMA

Heard Ms G. Deka, learned counsel for the petitioners as well as Mr. M.K. Choudhury, learned Sr. Standing Counsel, Education Department. I have also heard Ms A. Verma, learned Standing Counsel, Finance.

By means of this writ petition, the petitioners have prayed for a direction to the respondents to make payment of their current and arrear salary in the Time Scale of Pay with effect from the date of their initial appointment as Assistant Teachers in the fixed pay of Rs.2500/- per month. On earlier occasion also, the petitioners and some others had approached this Court by filing the writ petitions being W.P. (C) No.8334/2004 and W.P. (C) No.5053/2004 and the same were disposed of by order dated 13.12.2004 issuing direction to the respondents to release arrear as well as current salary to the petitioners. It is submitted that the salary even in the fixed pay has not been released. The relevant direction of this Court in the order dated 13.12.2004 is as follows :-

> Since the validity of the order of appointment and joining of the petitioners in service as Assistant Teachers have not been disputed, I dispose of this writ petition with a direction to the respondents authority to release the arrear as well as the current salaries of the petitioners.

From the above, it will be seen that there is no dispute regarding the validity of the order of appointment and joining of the petitioners in service. However, their grievance is that as per rules, they are entitled to receive salary in the time scale of pay. As per the instructions furnished to Mr. Choudhury, learned Standing Counsel, Education, it is the stand of the respondents that since the petitioners were appointed during the ban period, it is difficult to release salary to them. However, in view of the above observation of this Court in the order dated 13.12.2004, such stand of the respondents is not sustainable.

Ms Deka, learned counsel for the petitioners submits that the petitioners may be given liberty to file appropriate representation before the authorities agitating their grievance She submits that the State authority may consider their representation in accordance with law. Mr. Choudhury, learned Standing Counsel does not have any objection.

In view of the above, the writ petition is disposed of providing that the petitioners may make representation to the respondents including the Respondent No.2 who in turn, shall consider and dispose of the same in accordance with law. If the petitioners make representation within two weeks from today, appropriate authority shall consider and dispose of the same within one month thereafter.

Writ petition is disposed of.